



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Employment Security Department

- ☐ Permanent Rule
☒ Emergency Rule
☐ Expedited Rule Making

(1) Date of adoption: January 2, 2005

(2) Purpose: To implement changes to the unemployment insurance program adopted by Second Engrossed Senate Bill 6097, passed by the 2003 legislature. The rules clarify issues related to part time workers, predecessor/successor employers, and employer penalties. The rules also describe how the department will calculate the industry average array factor rate and graduated social cost factor rate that will be paid by employers.

(3) Citation of existing rules affected by this order: None.

Repealed:

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 50.12.010, RCW 50.12.040, RCW 50.12.042

Other Authority: RCW 50.20.010

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____ (date).

Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☒ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Several sections of 2ESB 6097 are effective January 2, 2005. The department has begun the rule-making process, holding several meetings with stakeholders and interested parties. It is anticipated rules will be proposed within the next 60 days. In the interim, emergency rules are necessary to provide guidance to employers, unemployment insurance claimants, and the general public of the department's interpretation of the changes to the statute.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

☐ Yes ☒ No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☐ 31 days after filing
☐ Other (specify) _____*

Emergency Rules

- ☒ Immediately
☐ Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Dr. Sylvia P. Mundy

Signature

Title

Commissioner

Date

CODE REVISER USE ONLY

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>6</u>	Amended	<u>3</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>6</u>	Amended	<u>3</u>	Repealed	_____